

ORIGINAL



0000068496

BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

RECEIVED

Arizona Corporation Commission  
**DOCKETED**

DEC 5 2007

MIKE GLEASON – Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 DEC -5 P 4:38  
AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

*[Signature]*

**IN THE MATTER OF THE APPLICATION  
OF AERIE CONSERVANCY, AN ARIZONA  
NONPROFIT CORPORATION, FOR  
ADJUDICATION THAT IT IS NOT A PUBLIC  
SERVICE CORPORATION**

**DOCKET NO. W-04291A-04-0843**

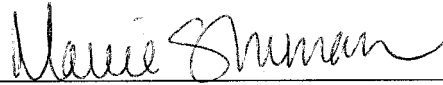
**COMPLIANCE FILING**

In Decision 67881 (June 1, 2005), the Arizona Corporation Commission (“Commission”) ordered The Aerie Conservancy to file, within 24 months of the Decision date, documentation demonstrating its ownership of, and a copy of the Approval of Construction (“AOC”) for: (i) the well, the 120,000-gallon storage tank and the booster pump comprising the backbone infrastructure for The Aerie; and (ii) the distribution infrastructure for lots 1-41 of The Aerie. (Decision 67881 at 11-12.) Upon The Aerie Conservancy’s motion to extend this deadline, the Commission extended the deadline to December 31, 2007. (Procedural Order at 2, dated Aug. 6, 2007.)

In compliance with Decision 67881, The Aerie Conservancy previously filed on August 3, 2007 a copy of the AOC for the well, storage tank, and booster pump. In further compliance of Decision 67881, The Aerie Conservancy files the following: (1) a special warranty deed conveying all common area properties, which include the storage tank, well-site and booster pump properties, to The Aerie Conservancy, attached as Exhibit A, and (2) a copy of the Yavapai County AOC for the distribution infrastructure for lots 1-41 of The Aerie, attached as Exhibit B.

1 DATED this 5<sup>th</sup> day of December, 2007.

2 SNELL & WILMER

3  
4 

5 Jeffrey W. Crockett  
6 Marcie A. Shuman  
7 One Arizona Center  
8 400 East Van Buren  
Phoenix, Arizona 85004-2202  
Attorneys for The Aerie Conservancy

9 ORIGINAL and thirteen (13) copies  
10 filed with Docket Control this 5th  
day of December, 2007.

11 COPY of the foregoing hand-delivered  
12 this 5th day of December, 2007, to:

13 Brian Bozzo  
14 Utilities Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
Phoenix, Arizona 85007

17   
18

19 2079847.1  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

When recorded, return to:

The Aerie Conservancy  
c/o Communities Southwest  
7001 North Scottsdale Road, Suite 1015  
Scottsdale, AZ 85253  
Attn: Jay Pennypacker

THIS IS A CONFORMED COPY OF INSTRUMENT  
RECORDED ON DATE 8/28/07 TIME 8:30  
IN BOOK 4534 PAGE 855  
ANAYMAN TRUJILLO, RECORDER  
Anthony J. Sench DEPUTY

FEE
\$7
\$8
\$5
\$1
\$16 TS

Exempt from Affidavit of Property Value per A.R.S. § 11-1134(A)(7).

### SPECIAL WARRANTY DEED

For the consideration of Ten and 00/100 Dollars, and other valuable consideration, **FIRST AMERICAN TITLE INSURANCE COMPANY**, an California corporation, acting not in its corporate capacity but solely in its capacity as Trustee of its Trust No. 8594 ("Grantor"), does hereby convey to **THE AERIE CONSERVANCY**, an Arizona nonprofit corporation, the following described property situate in Yavapai County, Arizona (the "Property"):

**TRACTS A, B AND C as shown on the FINAL PLAT  
FOR "AERIE I" recorded November 17, 2005 in Book  
55 of Maps and Plats, Page 34, records of Yavapai  
County, Arizona**

SUBJECT TO: current taxes and assessments; patent reservations; all covenants, conditions, restrictions, reservations, rights, rights-of-way, easements, obligations and liabilities and other matters of record or to which reference is made in the public record; any and all conditions, shortages in area, overlaps, conflicts in boundary lines, easements, encroachments, rights-of way, rights or claims, or restrictions not shown by the public records which would be disclosed by a physical inspection, or which an accurate survey of the Property would reveal; unpatented mining claims; and the applicable zoning and use ordinances, regulations, zoning codes and the like of any municipality, county, state, or the United States affecting the Property as same now exist and as may hereafter be established or amended;

AND THE PROPERTY is subject to that certain Declaration of Covenants and Easements for The Aerie, recorded on November 17, 2005, as Document No. 3942881, Book 4335, Page 608, in the official records of Yavapai County, Arizona, together with any and all amendments and supplements thereto (the "Aerie CC&Rs"). The Aerie CC&Rs impose upon the Property certain covenants, conditions, restrictions, and easements running with the land and binding title to the Property and all owners of any portion thereof or interest therein, whether or not referenced in any future deed or instrument.

The Property is hereby designated as "Common Areas" under the Aerie CC&Rs.

Pursuant to Arizona Revised Statute Section 33-404, the names and addresses of the beneficiaries of Grantor are set forth on Exhibit "A" attached hereto.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the  
17<sup>th</sup>, day of August, 2007.

**GRANTOR:**

**FIRST AMERICAN TITLE INSURANCE  
COMPANY**, an California corporation, acting not in its  
corporate capacity but solely in its capacity as Trustee of  
its Trust No. 8594

By: Charlotte A. Knoll  
Charlotte A. Knoll  
Its: Senior Trust Officer

STATE OF ARIZONA       )  
                                  ) ss.  
County of Maricopa     )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of August, 2007, by  
Charlotte A. Knoll, Senior Trust Officer of First American Title Insurance Company, an California  
corporation, acting not in its corporate capacity but solely in its capacity as Trustee of its Trust No.  
8594.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Margarita Garcia  
Notary Public

My commission expires:

11-9-2009



**EXHIBIT "A"**

**FIRST BENEFICIARY:**

SEDONA TREE FARM LLLP; SEDONA RED ROCK LAND LLLP and  
PEGASUS NUMERO DOS LLC

C/O SDI INC

15770 North Greenway/Hayden Loop

Suite 104

Scottsdale, AZ 85260

480-348-7450

480-348-7459 Fax

14770 N GREENWAY HAYDEN LOOP 104  
SCOTTSDALE , AZ 85260

**SECOND BENEFICIARY**

RED ROCK AERIE, LLC

7001 North Scottsdale Road

Suite 1015

Scottsdale, AZ 85253

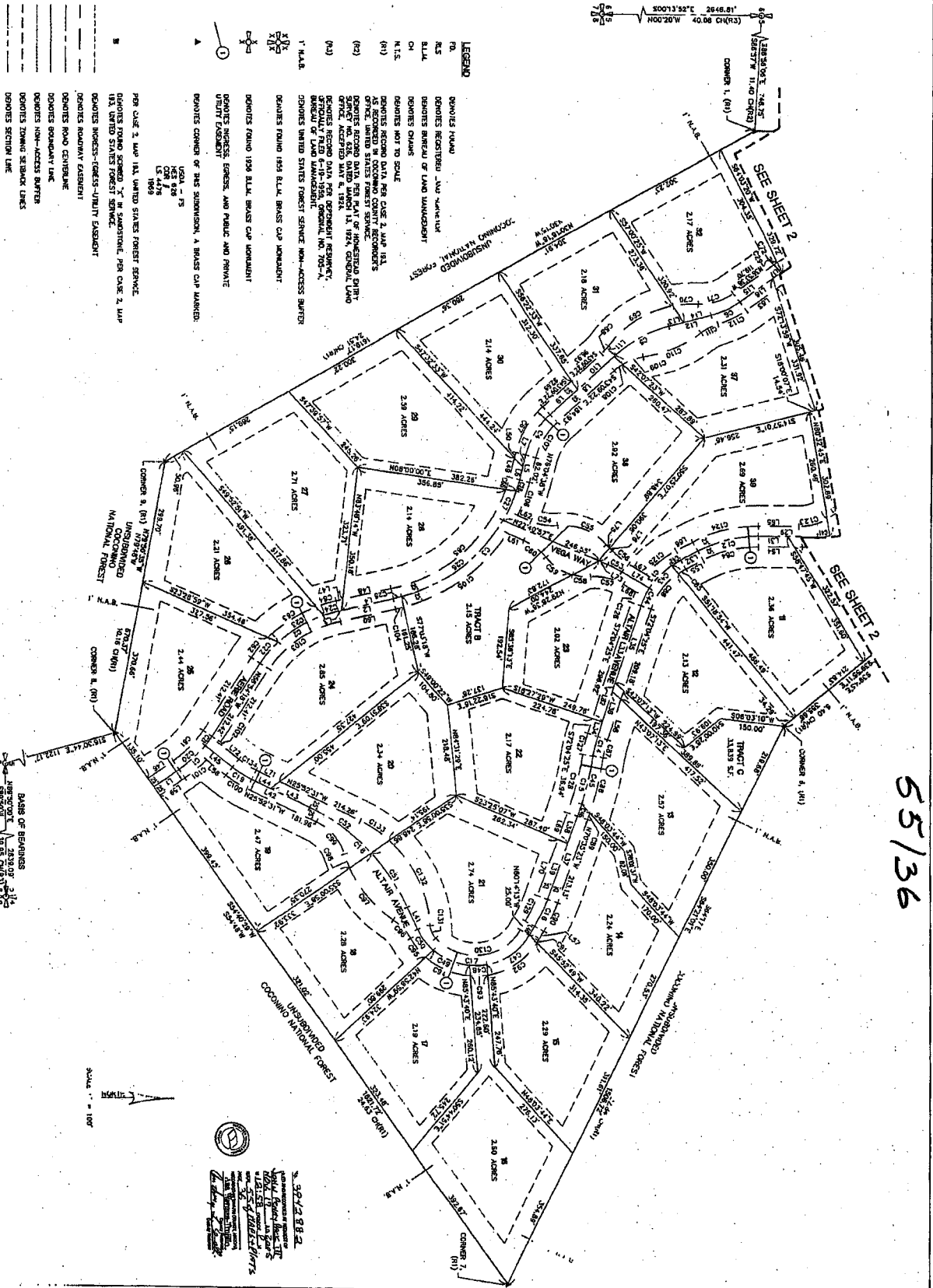
480-315-2600

480-315-2699 Fax









55/36

3 OF 4

## FINAL PLAT FOR "AERIE I"

HOMESTEAD ENTRY SURVEY 626, LOCATED IN SECTION 5, TOWNSHIP 17 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER-BASE-AND-MERIDIAN, YAVAPAI COUNTY, ARIZONA

**W R G**  
**DESIGN INC.**

9077 N. 90th Street Suite #350 Scottsdale, AZ 85258  
Tel. 482577.0030 Fax. 482577.2400

PLANNING • SURVEYING • LANDSCAPE ARCHITECTURE • ENGINEERING

**VALUES IN COUNTRIES**

LINE	LENGTH	BEARING
L83	18.62'	N11°06'17"W
L84	48.45'	N11°06'17"W
L85	54.20'	N24°46'10"W
L86	22.01'	N37°01'14"W
L87	14.60'	N32°01'14"W

QUARTZ	LENGTH	RAJUS	DELTA
CENTRIMETER	CENTIMETER	CENTIMETER	CENTIMETER
C146	59.27	259.00	13.9134
C147	58.18	259.00	27.5104
C148	58.18	262.50	7.8556
C149	189.32	262.50	35.2528
C150	45.47	262.50	9.0702
C151	10.49	262.50	2.8426
C152	39.71	262.50	7.9154

LINE	LOCATION	BEARING
173	22.97'	N 82°40'37"E
174	77.15'	S 11°18'32"W

CENTERLINE CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C53	37.64'	250.00'	83.735°

CONTINUING LINE TABLE	
LINE	BEARING
102	66.57°
	116.52°40'W

CENTERLINE CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C115	22.71	200.00'	93°30"

ALLEN AVENUE  
STATIONER 1112 7

Line	LIBRARY	BRAND	COPIES	LINE	PRICE
1	74.76	S1513.11 F			
2	1.18	52.58 F			
3	2.69	812.84 2/2 W			
4	1.28	811.56 4/2 W			
5	62.02	N728.02-1.08 W			
6	31.95	N728.01-0.95 W			
7	30.52	N728.02-1.08 W			
8	21.95	541.09 2/2 F			
9	18.47	541.09 2/2 F			
10	118.57	541.09 2/2 F			
11	6.72	541.09 2/2 F			
12	104.72	541.09 2/2 F			
13	36.55	N152.01-0.76 W			
14	36.55	N152.01-0.76 W			

116	119.10	84.35	1.30
117	56.79	56.55	1.24
118	57.59	57.59	1.24
131	70.82	66.02	1.58
132	45.87	44.83	1.04
133	33.59	31.74	1.85
134	36.71	32.24	4.47
135	71.62	67.23	4.39
136	57.47	56.48	0.99
137	51.67	50.05	1.62
138	57.05	53.21	3.84
140	56.07	54.37	1.70
141	56.08	54.37	1.71
142	158.44	154.53	3.91
143	49.87	47.32	2.55
144	52.32	51.31	1.01
145	83.05	82.24	0.81

ALVIN A. MEND...  
CONTINUING LINE...

LINE	LOCATION	DATE INDEX	REASON
L17	22.87	5/8/75	1/2
L18	13.87	5/8/75	1/2
L19	221.84	5/27/75	1/2
L20	75.57	5/27/75	1/2
L21	147.59	5/27/75	1/2
L22	147.59	5/27/75	1/2
L23	50.00	5/27/75	1/2
L24	87.54	5/27/75	1/2
L25	106.10	5/27/75	1/2
L26	103.19	5/27/75	1/2
L27	2.21	5/27/75	1/2
L28	111.87	5/27/75	1/2
L30	89.76	5/27/75	1/2

CENTRE LINE			
ORIGIN	LENGTH	RAIDERS	DETA
C7	230.00	300.00	287.00
C8	240.00	350.00	297.00
C9	186.47	280.00	252.00
C10	182.47	400.00	321.00
C11	222.33	300.00	258.50
C12	222.33	300.00	258.50
C13	72.18	300.00	114.83
C14	50.00	300.00	81.37
C15	34.61	300.00	53.52
C16	108.00	250.00	84.93
C17	24.83	250.00	19.82
C18	121.41	250.00	72.69
C19	18.61	400.00	22.15
C20	145.84	400.00	72.00
C21	82.97	500.00	120.35

VE LENGTH

[illegible]

LOT NO.

26	5173	5165	5235	5170
27	5172	5164	5234	5169
28	5171	5163	5233	5168
29	5170	5162	5232	5167
30	5169	5161	5231	5166
31	5168	5160	5230	5165
32	5167	5159	5229	5164
33	5166	5158	5228	5163
34	5165	5157	5227	5162
35	5164	5156	5226	5161
36	5163	5155	5225	5160
37	5162	5154	5224	5159
38	5161	5153	5223	5158
39	5160	5152	5222	5157
40	5159	5151	5221	5156
41	5158	5150	5220	5155
42	5157	5149	5219	5154
43	5156	5148	5218	5153
44	5155	5147	5217	5152
45	5154	5146	5216	5151
46	5153	5145	5215	5150
47	5152	5144	5214	5149
48	5151	5143	5213	5148
49	5150	5142	5212	5147
50	5149	5141	5211	5146
51	5148	5140	5210	5145
52	5147	5139	5209	5144
53	5146	5138	5208	5143
54	5145	5137	5207	5142
55	5144	5136	5206	5141
56	5143	5135	5205	5140
57	5142	5134	5204	5139
58	5141	5133	5203	5138
59	5140	5132	5202	5137
60	5139	5131	5201	5136
61	5138	5130	5200	5135
62	5137	5129	5199	5134
63	5136	5128	5198	5133
64	5135	5127	5197	5132
65	5134	5126	5196	5131
66	5133	5125	5195	5130
67	5132	5124	5194	5129
68	5131	5123	5193	5128
69	5130	5122	5192	5127
70	5129	5121	5191	5126
71	5128	5120	5190	5125
72	5127	5119	5189	5124
73	5126	5118	5188	5123
74	5125	5117	5187	5122
75	5124	5116	5186	5121
76	5123	5115	5185	5120
77	5122	5114	5184	5119
78	5121	5113	5183	5118
79	5120	5112	5182	5117
80	5119	5111	5181	5116
81	5118	5110	5180	5115
82	5117	5109	5179	5114
83	5116	5108	5178	5113
84	5115	5107	5177	5112
85	5114	5106	5176	5111
86	5113	5105	5175	5110
87	5112	5104	5174	5109
88	5111	5103	5173	5108
89	5110	5102	5172	5107
90	5109	5101	5171	5106
91	5108	5100	5170	5105
92	5107	5099	5169	5104
93	5106	5098	5168	5103
94	5105	5097	5167	5102
95	5104	5096	5166	5101
96	5103	5095	5165	5100
97	5102	5094	5164	5099
98	5101	5093	5163	5098
99	5100	5092	5162	5097
100	5099	5091	5161	5096

LENGTH
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FINAL PLAT FOR  
"AFRIF I"

HOMESTEAD ENTRY SURVEY 626, LOCATED IN SECTION 5, TOWNSHIP 17 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA

4 OF 4

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Tel. 602.977.0000 Fax. 602.977.0099  
FURNITURE • DRAPERIES • LIGHTING AND DESIGN • BLINDS

# **EXHIBIT B**

# YAVAPAI COUNTY

## Development Services

Prescott - (928) 771-3214 Fax: (928) 771-3443  
Cottonwood - (928) 639-8151 Fax: (928) 639-8153



## Flood Control District

Prescott - (928) 771-3197 Fax: (928) 771-3427  
Cottonwood - (928) 639-8151 Fax: (928) 639-8118

500 S. Marina Street, Prescott, AZ 86303 and 10 S. 6<sup>th</sup> Street, Cottonwood, AZ 86326

Addressing - Building Safety - Customer Service & Permitting - Environmental - Flood Control District - Land Use - Planning & Design Review

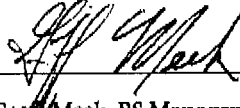
### CERTIFICATE OF APPROVAL TO OPERATE WATER FACILITIES

Y. C. D. S.-E.U. File No:	2004-9000
System Name:	The Aerie Conservancy
System Owner/Address:	The Aerie Conservancy, 7720 N. 16 <sup>th</sup> St. #310, Phoenix, AZ 85020
Project Name:	Aerie 1
Project Owner/Address:	Red Rock Aerie LLC, 7720 N. 16 <sup>th</sup> St. #310, Phoenix, AZ 85020
Project Location:	Sedona, Arizona
Project Description:	Extend water distribution system to serve Aerie 1, lots 1-41 inclusive. The well, storage tanks and booster pump station was approved by ADEQ-NRO for construction on May 19, 2005.

Approval to operate the above-described facilities (as represented in the approved plan documents on file with the Yavapai County Development Services-Environmental Unit) is hereby given, subject to the following provisions:

- Approval is based on the "As -Built" drawings and Engineer's Certificate of Completion signed and dated 06/22/2007 by Arthur H Beckwith, PE.
- System must have an agreement with an appropriate Certified Operator for system operation.
- This approval does not supersede or eliminate the necessity of obtaining permits or approvals from other county, state or federal agencies or departments.
- Issuance of this "Approval to Operate" does not authorize construction in any County, Town, City or State road rights-of-way for this project. A separate permit may be required. Please contact the regulatory highway department for this permit.

State law, A.R.S. 49-104, B.10, requires that the operation of the project must be in accordance with the rules and regulations of the Arizona Department of Environmental Quality.

  
Geoff Meek, RS Manager  
Environmental Unit

11-2-07  
Dated

cc:

Y.C.D.S.-E.U. FILE  
Design Engineer  
Project Owner  
System Owner